



STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

June 2, 1981

US FPA RECORDS CENTER REGION 5



515074

ADDRESS REPLY TO
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

PRIVILEGED

Bob Leininger, Esq.
Enforcement
EPA - Region V
Mail Code: 5EWHME
230 S. Dearborn St.
Chicago, Illinois 60604

Re: Reilly Tar

Dear Bob:

As a follow-up to today's conversation, I am enclosing a copy of the State of Minnesota's Interrogatories. Within a week, you will draft some additional questions (particularly with regard to financial matters) and confer with us on the extent and nature of these questions. We will then advise Reilly Tar of these additional Interrogatories and attempt to obtain Reilly's agreement to answer the Interrogatories of both the state and federal governments.

As I mentioned, the State intends to take some depositions of neighbors of the Reilly site who observed the landfilling of wastes on the northern edge of the Reilly site. We will keep you advised of the scheduling of these depositions.

You will inquire as to the method and cost of obtaining a duplicate copy of "Photographic Analysis of a Creosoting Facility, St. Louis Park, Minnesota". In addition, you will inquire as to the method and cost of enlarging the maps and overlays in the Report to a larger size suitable for use in court. Please advise on these matters.

Also with regard to graphics, you will advise as to whether EPA/Justice would like one or more sets of the mylars now being developed and duplicated by the State. These mylars, 36 " x 50", include the following:

- Base maps
- (1) Reilly site on a scale of 1" = 100'.
 - (2) St. Louis Park and vicinity on a scale of 1" = 500'.
 - (3) St. Louis Park and vicinity on a scale of 1:24000.

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|----------------------|--|
| Base maps,
contd. | (4) <u>Topographic contour map</u> , as an overlay for
base map No. 2 above. |
| | (5) <u>Plan view of Reilly site</u> (buildings,
tanks and other structures), as an overlay
for base map No. 1 above. |
| Data maps | (6) <u>Location of soil borings</u> , as an overlay
for base map No. 2 above. |
| | (7) <u>Location of wells</u> , as an overlay for base
map No. 2 above. ~\$300 |

These mylars can be duplicated at a cost of \$35.00 to \$50.00 each.

We need the assistance of EPA/Justice in the preparation of documents for subjective coding. The objective coding of all the documents will be completed sometime in July or August. Following the completion of objective coding and the elimination of all duplicate documents, all the documents in the Reilly collection will need to be read and documents selected for the subjective coding. This screening and selection of documents will be an intensive effort over a two-week period and will require all available resources to accomplish. We will advise you as to the specific dates when the screening will be done and hope that EPA/Justice will be able to provide us with staff to assist in this effort. As I mentioned, we would also like the EPA/Justice to join us in Washington sometime in September to make a presentation to the Aspen coders who will be doing the subjective coding of selected documents in the Reilly collection.

I look forward to discussing the additional Interrogatories that you are drafting. I will give you a call on Tuesday, June 9, 1981. In the meanwhile, I hope that you will be able to send me the draft Interrogatories.

Very truly yours,



DENNIS M. COYNE
Special Assistant
Attorney General

DMC/ps

Enc.

cc (w/o enc): Erica Dolgin, Esq.
Fred Stiehl, Esq.
Francis X. Hermann, Esq.
Doug Johns

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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

and

STATE OF MINNESOTA, by its
Attorney General Warren Spannaus,
its Department of Health, and its
Pollution Control Agency,

Plaintiff-Intervenor,

v.

Civil No. 4-80-469

REILLY TAR & CHEMICAL CORPORATION;
HOUSING AND REDEVELOPMENT AUTHORITY
OF ST. LOUIS PARK; OAK PARK VILLAGE
ASSOCIATES: RUSTIC OAKS CONDOMINIUM
INC.; and PHILIP'S INVESTMENT CO.,

Defendants.

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT REILLY TAR AND CHEMICAL CORPORATION

Plaintiff, the United States of America, by its undersigned attorneys, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby propounds the following interrogatories to defendant Reilly Tar and Chemical Corporation (hereinafter defendant), to be answered under oath and in writing by the defendant within thirty (30) days of the date of service hereof. The obligations imposed upon the defendant by Rules 26 and 33 are here incorporated by reference, including, but not limited to, the duty to supplement imposed by Rule 26(e).

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TIME PERIOD

A. All the Interrogatories herein address the period during which Defendant was conducting activities at its coal tar refining and wood preserving facility in St. Louis Park, Minnesota, unless the Interrogatory expressly provides for a different period of time.

PROCEDURE FOR CLAIMING PRIVILEGE OR OTHER OBJECTION

B. In answering these Interrogatories, if privilege is alleged as to any information or documents, or if an interrogatory is otherwise not answered in full after the exercise of due diligence to secure complete information, state the specific grounds for not answering in full and answer said interrogatory to the extent to which no privilege is claimed or information is available. For each document or communication for which privilege is alleged, state the following:

1. The nature of the document or communication (e.g., letter, memorandum, or report);
2. The title or, if it has no title, the subject matter;
3. The date the document bears or, if undated, the day it was written or created;
4. The identification of all persons (other than routine clerical personnel) who participated in the preparation of the document;
5. The author or addressor;
6. The addressee;
7. The recipient(s) of all copies;
8. The number stamp or other identifying mark or code of the document; and
9. The present location and custodian or, if unknown, the last known location and custodian of the document.

DOCUMENTS

C. For each document produced in response to these Interrogatories, indicate on the document the numbered request(s) and subpart(s) to which the document responds.

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D. If anything is deleted from a document produced in response to these Interrogatories, state the following:

1. The reason for the deletion;
2. The subject matter of the deleted material.

E. Responses are to state, where applicable, whether documents are currently within the Defendant's possession, custody or control. If such documents are not in Defendant's possession, custody or control, the responses are to state in whose possession, custody or control such documents may be found. If a document does not exist, the response is to so indicate.

IDENTIFICATION

F. When asked to identify a person, set forth that individual's full name and, on the first occasion that such individual is identified, the following information:

1. Present home address;
2. Present home telephone number;
3. Present business address;
4. Present business telephone number;
5. Present employer;
6. Present job title;
7. Present job description; and
8. Employment history, if any, by date, job description and title.

G. When asked to identify an entity, other than an individual person, set forth the full name or title of the entity, and on the first occasion when such entity is identified, state the address of the principal place of business and principal business or activity of such entity.

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H. When asked to identify a document, set forth the following information:

1. The nature of the document (e.g., letter, memorandum, or report);
2. The title or, if it has no title, the subject matter;
3. The date the document bears or, if undated, the day it was written or created;
4. The identification of all persons (other than routine clerical personnel) who participated in the preparation of the document;
5. The author or addressor;
6. The addressee;
7. The recipient(s) of all copies;
8. The file number or other identifying mark or code of the document; and
9. The present location and custodian or, if unknown, the last known location and custodian of the document.

I. At the end of each response to each interrogatory, identify the person(s) who answered the interrogatory.

J. At the end of each response to each interrogatory, identify all documents which relate to the answer provided and which are not produced pursuant to these interrogatories.

USE OF THE SINGULAR FORM

K. As used herein, the singular form of a word, e.g., "document", "person", shall refer to the plural as well.

INTERROGATORIES

1. Has the Reilly Tar and Chemical Corporation since the day of its incorporation to the date of these interrogatories maintained financial books and records of account?

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If so, state:

- a. The name of each such book or account;
- b. the name and address of each person in possession of any such book or account;
- c. the general contents of each book or account.

2. Has the Reilly Tar and Chemical Corporation from the date of its incorporation to the date of these interrogatories, ever prepared a financial statement?

If so, state:

- a. The name of the person, or firm, or other entity preparing the financial statement;
- b. the purpose for which the statement was prepared;
- c. the name and address of the person having present possession and custody of the financial statement;
- d. the present location of the financial statement.

If you will do so without a request for production for inspection, attach a copy of each such financial statement to your answers to these interrogatories.

3. Has the Reilly Tar and Chemical Corporation since the date of its incorporation to the date of these interrogatories maintained any bank accounts?

If so state:

- a. The name and address of each bank, and branch thereof, at which the accounts have been maintained;
- b. the name or title of each account;
- c. the name of each person authorized to withdraw funds from such account.

4. For each of the years from the date of incorporation of Reilly Tar and Chemical Corporation, Char Products Company, Incorporated and Republic Creosoting Company, to 1980, state the following:

- a. Gross income from all operations;
- b. total expenses for all operation;
- c. net profit derived from all operations.

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5. Has the Reilly Tar and Chemical Corporation paid any dividends to its shareholders?

If so state:

- a. The date, in each case, when dividends were declared;
 - b. the date, in each case, when dividends were paid;
 - c. what the amount of dividend was per share in each case;
 - d. the name of each person to whom the dividend was paid;
 - e. the source, in each case, from which the dividend came, i.e., earned surplus, paid-in surplus, etc.
6. For each of the past fifteen calendar or fiscal years, state the following as reported on the federal and state income tax returns which have been filed by Reilly Tar and Chemical Corporation:
- a. The gross income as shown on each such return;
 - b. the net income as shown on each such return;
 - c. the total amount of federal or state income taxes paid or owing.

If you will do so without a request for production for inspection, attach a copy of each such tax return to your answers to these interrogatories.

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CERTIFICATE OF SERVICE

I certify that the attached Plaintiff's First Set of Interrogatories to Defendant Reilly Tar and Chemical Corporation has been served upon the following by depositing copies addressed to each in the United States mail, postage prepaid, on July _____, 1981.

Mackall, Crounse & Moore
1600 TCF Tower
121 South Eighth Street
Minneapolis, Minnesota 55402

Stephen Shakman
1935 West County Road B2
Roseville, Minnesota 55113

Edward J. Schwartzbauer
2300 First National Bank Building
Minneapolis, Minnesota 55402

Thomas E. Reiersgord
6250 Wayzata Boulevard
Minneapolis, Minnesota 55416

Wayne G. Popham
4344 IDS Center
Minneapolis, Minnesota 55402

Laurance R. Waldoch
4200 IDS Center
Minneapolis, Minnesota 55402

Vesely & Miller
Suite 203 Northwestern Bank Building
Hopkins, Minnesota 55343

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